UNITED STATES PATENT AND TRADEMARK OFFICE

APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
09/726,779	11/29/2000	Chris Cifra	5150-43700	1986

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EXAMINER
PILLAI, NAMITHA

ART UNIT	PAPER NUMBER
2173	

DATE MAILED: 08/13/2003

Please find below and/or attached an Office communication concerning this application or proceeding.

PTO-90C (Rev. 07-01)

	Application No.	Applicant(s)
Offic Action Summary	09/726,779	CIFRA ET AL.
	Examiner	Art Unit
	Namitha Pillai	2173

-- *The MAILING DATE of this communication appears on th c ver sheet with the correspondence address* --

Peri d for Reply

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE _3_ MONTH(S) FROM THE MAILING DATE OF THIS COMMUNICATION.
- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If the period for reply specified above is less than thirty (30) days, a reply within the statutory minimum of thirty (30) days will be considered timely.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133).
- Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

Status

1)☐ Responsive to communication(s) filed on _____ .

2a)☐ This action is **FINAL**.   2b)☒ This action is non-final.

3)☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

Disposition of Claims

4)☒ Claim(s) _1-45_ is/are pending in the application.

    4a) Of the above claim(s) _____ is/are withdrawn from consideration.

5)☐ Claim(s) _____ is/are allowed.

6)☒ Claim(s) _1-45_ is/are rejected.

7)☐ Claim(s) _____ is/are objected to.

8)☐ Claim(s) _____ are subject to restriction and/or election requirement.

Application Papers

9)☒ The specification is objected to by the Examiner.

10)☒ The drawing(s) filed on _29 November 2000_ is/are: a)☒ accepted or b)☐ objected to by the Examiner.

    Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).

11)☐ The proposed drawing correction filed on _____ is: a)☐ approved b)☐ disapproved by the Examiner.

    If approved, corrected drawings are required in reply to this Office action.

12)☐ The oath or declaration is objected to by the Examiner.

Priority under 35 U.S.C. §§ 119 and 120

13)☐ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).

    a)☐ All b)☐ Some * c)☐ None of:

      1.☐ Certified copies of the priority documents have been received.

      2.☐ Certified copies of the priority documents have been received in Application No. _____ .

      3.☐ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).

    * See the attached detailed Office action for a list of the certified copies not received.

14)☐ Acknowledgment is made of a claim for domestic priority under 35 U.S.C. § 119(e) (to a provisional application).

    a) ☐ The translation of the foreign language provisional application has been received.

15)☒ Acknowledgment is made of a claim for domestic priority under 35 U.S.C. §§ 120 and/or 121.

Attachment(s)

1) ☒ Notice of References Cited (PTO-892)

2) ☐ Notice of Draftsperson's Patent Drawing Review (PTO-948)

3) ☒ Information Disclosure Statement(s) (PTO-1449) Paper No(s) _2_ .

4) ☐ Interview Summary (PTO-413) Paper No(s). _____ .

5) ☐ Notice of Informal Patent Application (PTO-152)

6) ☐ Other: .

DETAILED ACTION

Specification

1.   Applicant is reminded of the proper language and format for an abstract of the disclosure.

The abstract should be in narrative form and generally limited to a single paragraph on a separate sheet within the range of 50 to 150 words. It is important that the abstract not exceed 150 words in length since the space provided for the abstract on the computer tape used by the printer is limited. The form and legal phraseology often used in patent claims, such as "means" and "said," should be avoided. The abstract should describe the disclosure sufficiently to assist readers in deciding whether there is a need for consulting the full patent text for details.

The language should be clear and concise and should not repeat information given in the title. It should avoid using phrases which can be implied, such as, "The disclosure concerns," "The disclosure defined by this invention," "The disclosure describes," etc.

The abstract is objected to for exceeding 150 words.

Claim Rejections - 35 USC § 102

The following is a quotation of the appropriate paragraphs of 35 U.S.C. 102 that form the basis

for the rejections under this section made in this Office action:

> A person shall be entitled to a patent unless –
>
> (e) the invention was described in (1) an application for patent, published under section 122(b), by another filed in the United States before the invention by the applicant for patent or (2) a patent granted on an application for patent by another filed in the United States before the invention by the applicant for patent, except that an international application filed under the treaty defined in section 351(a) shall have the effects for purposes of this subsection of an application filed in the United States only if the international application designated the United States and was published under Article 21(2) of such treaty in the English language.

2.   Claims 1-5, 7-18, 20-31 and 33-45 are rejected under 35 U.S.C. 102(e) as being clearly

anticipate by U. S. Patent No. 6, 298, 474 B1 (Blowers et al.).

Referring to claims 1 and 29, Blowers discloses a method for generating a computer

program by receiving user input specifying a prototype, wherein the prototype comprises a series

of functional operations, wherein at least one of the operations has an associated one or more

parameters (column 1, lines 47-55). Blowers discloses automatically generating the program that

implements the prototype, in response to the specified prototype, wherein comprising

automatically generating a graphical user interface for the program (column 3, lines 15-20).

Blowers also discloses that the graphical user interface comprises creating user interface controls

associated with the one or more parameters (column 3, lines 1-5 and 24-30).

Referring to claims 2, 15, 28 and 41, Blowers discloses programmatically generating the

program in response to the specified prototype (column 3, lines 30-44).

Referring to claims 3, 16, 29 and 42, Blowers discloses generating the program comprises

automatically generating code for the program without direct user input (column 3, lines 40-44).

. Referring to claims 4, 17 and 30, Blowers discloses at least one of the operations has an

associated input parameter (column 3, lines 28-34), wherein the graphical user interface

comprises a user interface control for interactively providing program input specifying a value

for the input parameter, as seen in Figure 7 (column 9, lines 7-9).

Referring to claims 5, 18 and 31, Blowers discloses at least one of the operations has an

associated output parameter, wherein generating the graphical user interface comprises creating a

user interface control for viewing program output indicating a value for the output parameter

(column 3, lines 45-55).

Referring to claims 7, 20 and 33, as seen in by the code formed in text forms in within the

graphical representation of Figure 6, the generated program is text-based.

Referring to claims 8, 21, 34 and 44, as seen in Figure 6, the generated program is a

graphical program.

Referring to claims 9, 22 and 35, Blowers discloses receiving user input specifying a

prototype is performed by a prototyping application, as seen in Figure 7, wherein a specific

prototyping application is used to configure the user input to applied to the program (column 9, lines 7-9), wherein the prototyping application interfaces with a programming environment application in order to perform the generation of the program (column 3, lines 40-44).

Referring to claims 10, 23 and 36, Blowers discloses determining the data type of the parameters and creating user interface controls associated with the parameters comprising creating a user interface control according to the data type of the parameters, as seen in Figure 6, wherein the "Blob", "Acquire" are examples of controls wherein the control expresses an association based on the types of data that is being accessed.

Referring to claims 11 and 37, Blowers discloses the prototype specifying an image-processing algorithm, with the generated program implementing this image-processing algorithm (column 2, lines 50-52).

Referring to claims 12, 25 and 38, Blowers discloses that the graphical user interface includes a user interface control for providing input parameter values affecting the image processing algorithm, as seen by the "Blob" control in Figure 6, and the input of parameters as shown in Figure 7.

Referring to claims 13, 26 and 39, Blowers discloses the graphical user interface including user interface controls for viewing output parameter values determined by the image processing algorithm, as seen by the image shown in Figure 7 (column 3, lines 45-55).

Referring to claim 14, Blowers discloses a method for generating a computer program by receiving user input specifying a prototype through a prototyping environment application, wherein the prototype comprises a series of functional operations, wherein at least one of the operations has an associated one or more parameters, as seen in specifying a prototype in Figure

7 (column 2, lines 47-55 and column 9, lines 7-9). Blowers discloses the prototyping

environment operable, the association caused by the specifying of the prototype by the user in

the prototyping environment, wherein these parameters would be used to automatically

generating the program that implements the prototype, in response to the specified prototype

(column 3, lines 40-44), wherein comprising automatically generating a graphical user interface

for the program (column 3, lines 15-20). Blowers also discloses that the graphical user interface

comprises creating user interface controls associated with the one or more parameters (column 3,

lines 1-5 and 24-30).

Referring to claim 24, Blowers discloses that the prototyping environment application is

an image processing prototype environment application, as is seen in Figure 7 (column 11, lines

22-27). Blowers discloses the prototype specifying an image-processing algorithm, with the

generated program implementing this image-processing algorithm (column 2, lines 50-52).

Referring to claim 40, Blowers discloses a method for automatically generating a

computer program by receiving a program information specifying functionality of the computer

program (column 1, lines 47-55). Blowers discloses automatically generating the program that

implements the specified functionality, in response to the program information, wherein

comprising automatically generating a graphical user interface for the program (column 3, lines

15-20). Blowers also discloses that the graphical user interface comprises creating user interface

controls for providing input to and/or viewing output from the program (column 3, lines 1-5 and

24-30).

Referring to claim 43, Blowers discloses as seen by the controls "Blob", "Acquire" on

Figure 6, wherein the user interface controls of the program corresponds to the parameters

specified by the program information.

Referring to claim 45, Blowers discloses, as seen in Figure 6, the received program

specifying a prototype, and the "if-then-else" statement specifically represent a test executive

sequence and a state diagram, wherein the sequence is based on the current state of a distinct

variable, as is a "if-then-else" statement is used for.

Claim Rejections - 35 USC § 103

The following is a quotation of 35 U.S.C. 103(a) which forms the basis for all obviousness

rejections set forth in this Office action:

> (a) A patent may not be obtained though the invention is not identically disclosed or described as set forth in
> section 102 of this title, if the differences between the subject matter sought to be patented and the prior art are
> such that the subject matter as a whole would have been obvious at the time the invention was made to a person
> having ordinary skill in the art to which said subject matter pertains. Patentability shall not be negatived by the
> manner in which the invention was made.

3.   Claims 6, 19 and 32 are rejected under 35 U.S.C. 103(a) as being unpatentable over

Blowers.

Referring to claims 6, 19 and 32, Blowers discloses that a plurality of parameters are

associated with the functional operations, wherein receiving user input specifying which of the

plurality of parameters are desired to have associated user interface controls (column 3, lines 28-

31). Blowers also discloses that the generated graphical user interface comprises creating user

interface controls associated with each specified parameter (column 3, lines 31-35). Blowers

does not explicitly disclose not creating user interface controls associated with unspecified

parameters but Blowers only discusses displaying the desired user interface controls, which

represent the parameters. It would have been obvious that the undesired and those not chosen by

Blowers would not have user interface controls associated with any parameters, for reasons that they need not be displayed. Blowers may not explicitly disclose that unnecessary user interface controls will not be generated with the unspecified parameters. But based on the fact, that an undesired parameter would not be useful to the user and need not be displayed to the user, makes it obvious that such unnecessary components would not be created. Hence, it would have been obvious to one skilled in the art, at the time of the invention to not create user interface controls associated with unspecified parameters, which need not be displayed.

Conclusion

4.   The prior art made of record on form PTO-892 and not relied upon is considered pertinent to applicant's disclosure. Applicant is required under 37 C.F.R. § 1.111(c) to consider these references fully when responding to this action. The documents cited therein teach the method for graphically creating a computer program.

Responses to this action should be mailed to: Commissioner of Patents and Trademarks, Washington D.C. 20231. If applicant desires to fax a response, (703) 746-7238 may be used for formal After Final communications, (703) 746-7239 for Official communications, or (703) 746-7240 for Non-Official or draft communications. NOTE: A Request for Continuation (Rule 60 or 62) cannot be faxed.

Please label "PROPOSED" or "DRAFT" for informal facsimile communications. For after final responses, please label "AFTER FINAL" or "EXPEDITED PROCEDURE" on the document.

Hand-delivered responses should be brought to Crystal Park II, 2121 Crystal Drive, Arlington. VA., Sixth Floor (Receptionist).
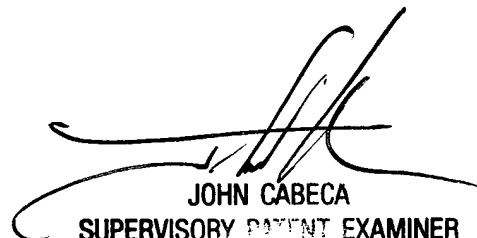
Any inquiry concerning this communication or earlier communications from the examiner should be directed to Namitha Pillai whose telephone number is (703) 305-7691. The examiner can normally be reached on 8:30 AM - 5:30 PM.

If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, John Cabeca can be reached on (703) 308-3116.

All Internet e-mail communications will be made of record in the application file. PTO employees do not engage in Internet communications where there exists a possibility that sensitive information could be identified or exchanged unless the record includes a properly signed express waiver of the confidentiality requirements of 35 U.S.C. 122. This is more clearly set forth in the Interim Internet Usage Policy published in the Official Gazette of the Patent and Trademark on February 25, 1997 at 1195 OG 89.

Any inquiry of a general nature or relating to the status of this application or proceeding should be directed to the Group receptionist whose telephone number is (703) 305-3800.

Namitha Pillai
Assistant Examiner
Art Unit 2173
August 8, 2003

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